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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,329	10/26/2001	Michael S. Foster	030048043US	8837

25096 7590 04/08/2005

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EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/068,329	Applicant(s) FOSTER ET AL.	
	Examiner Philip J Chea	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-46 have been examined.

Priority

1. Acknowledgment is made of applicant's claim for priority through provisional applications
60/287,069
60/287,120
60/286,918
60/286,922
60/287,081
60/287,075
60/314,088
60/314,287
60/314,158

Specification

The discloser is objected to because of the following informalities: The specification references provisional application(s). The current state of these applications, reflecting the status of present pendency, (i.e., abandonment or patent maturity), including associated patent numbers, should be amended into the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 17,20,32,35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 17,20,32,35 recite the limitation "the network manager" in line 2. There is insufficient antecedent basis for this limitation in the claim.

5. Claims 14,28,45 contains the trademark/trade name InfiniBand. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the switch [routing device] and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 16-18,31-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Wesinger, Jr. et al. (US 5,898,830), herein referred to as Wesinger.

As per claims 16 and 31, Wesinger discloses a system for controlling access to a network, as claimed, comprising:

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- a component that receives an indication that a node connected to the routing device is authorized to transmit communications through the network (see column 15, lines 19-45, where authorized transmission is considered the allow portion); and
- a component that transmits through the network communications received from the node so long as a criterion indicating to not transmit such communications has not occurred (see column 15, lines 32-45, where criterion is considered whether the connection is in the Deny database to determine if the connection is denied or allowed).

As per claims 17 and 32, Wesinger further discloses that the criterion is received from a network manager that the node is no longer authorized to transmit communications through the network (see column 10, lines 9-24, where network manager is considered network administrator).

As per claims 18 and 33, Wesinger further discloses that the received indication specifies a destination identifier to which the node is authorized to transmit communications (see column 15, lines 32-45, where machines maybe specified by IP address).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1,2,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger, Jr. et al. (US 5,898,830), herein referred to as Wesinger, and further in view of Cioli et al.

Although the system disclosed by Wesinger shows

- receiving from a network manager (column 10, lines 9-24, where network manager is considered network administrator) an indication that a node connected is authorized to transmit communications using a destination address (see column 15, lines 19-45, where authorized transmission is considered the allow portion);

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- receiving from the node communications using the destination address (see column 15, lines 19-45, where node communications is implied since there is an indication of communication);
- transmitting the received communications through the network (see column 15, lines 19-45); and
- upon occurrence of a criterion indicating to not transmit communications of the node through the network, suppressing of the transmitting of the communications using the destination address that are subsequently received from the node (see column 15, lines 19-45),

it fails to disclose a switch.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger, as evidenced by Cioli.

In an analogous art, Cioli discloses a packet filtering switching system, allowing packets to be forwarded based on known connections, shared network, and identified path; further showing the use of a switch (see column 6, lines 16-33).

Given the teaching of Cioli, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger by employing a switch, such as disclosed by Cioli, in order to provide a fast and intelligent routing ability.

As per claim 2 Wesinger in view of Cioli further disclose receiving an indication from the network manager that the node is no longer authorized to transmit communications using the destination address (see Wesinger column 10, lines 9-24, where network manager is considered network administrator).

As per claim 11, Wesinger in view of Cioli further disclose that the switch has multiple ports with the node being connected to one of the multiple ports (see Cioli Fig. [26]).

As per claim 12, Wesinger in view of Cioli further disclose that the destination address is a virtual address (see Wesinger column 10, lines 48-65).

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10. Claims 3-6, 19-22, 30, 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger as applied to claims 1, 16 and 31 above, and further in view of Cioli et al. (US 6,510,151), herein referred to as Cioli.

As per claims 3, 19, 34, although the system disclosed by Wesinger shows substantial features of the claimed invention (discussed above), it fails to disclose that the criterion is expiration of a timeout period.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger, as evidenced by Cioli.

In an analogous art, Cioli discloses a packet filtering switching system, allowing packets to be forwarded based on known connections, shared network, and identified path, further showing a timeout period allowing a packet to be filtered (see column 8, lines 1-19, where packet is removed, thus having to repeat a process of filtering next time around).

Given the teaching of Cioli, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger by employing a timeout period, such as disclosed by Cioli, in order to determine if a node had been idle too long requiring a repetition of authorization through the network.

As per claims 4, 20, 35, Wesinger in view of Cioli further disclose starting the timeout period when the indication is received from the network manager (see Wesinger column 10, lines 9-24, where network manager is considered network administrator). Given the teaching of the timeout period of Cioli, it would have been obvious to include this parameter with the configuration settings done by the system manager taught by Wesinger.

As per claims 5, 21, 36, although not specifically stated by Wesinger in view of Cioli, it is implied if not inherent that the timeout period is started when a communication is received from a node, since the period of time considers the how long a packet has been filtered (see Cioli column 8, lines 14-19).

As per claim 37, Wesinger in view of Cioli further disclose that the period is started when the received communication has a designated destination address (see Cioli column 8, lines 1-19).

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As per claims 6,22,38, Wesinger in view of Cioli further disclose re-starting the timeout period whenever a communication is received from the node (see Cioli column 8, lines 1-19).

As per claim 39, Wesinger in view of Cioli further disclose that the timeout period is re-started when the received communication has a designated destination address (see Cioli column 8, lines 1-19).

11. Claims 7-10,23-26,40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Cioli as applied to claims 16 and 31 above, and further in view of Jain et al. (US 6,021,495), herein referred to as Jain.

As per claims 7,23,40, although the system disclosed by Wesinger in view of Cioli shows substantial features of the claimed invention (discussed above), it fails to disclose detecting a communications error in a transmission between the switch [routing device] and the node.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger in view of Cioli, as evidenced by Jain.

In an analogous art, Jain discloses a switching system where it is able to detect a connection status and provide an authenticating means when connections are detected, further showing detecting a communications error in a transmission between a switch [routing device] and a node (see column 5, lines 24-27).

Given the teaching of Jain, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger in view of Cioli by employing a communications error detecting means, such as disclosed by Jain, in order to provide a security measure to prevent unauthorized access to the network when a machine is disconnected (see column 5, lines 1-12).

As per claims 8,24,41, Wesinger in view of Cioli in view of Jain further disclose that the communications error is detected at a physical layer (see Jain column 5, lines 46-54).

As per claims 9,25,42, Wesinger in view of Cioli in view of Jain further disclose to not transmit when a disconnection of the node from the switch [routing device] is detected (see Jain column 5, lines 46-54).

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As per claims 10,26,43, Wesinger in view of Cioli in view of Jain further disclose to not transmit when a termination of the node from the switch [routing device] is detected (see Jain column 5, lines 46-54).

As per claim 30, using the same motivation to combine as mentioned above, Wesinger in view of Cioli further disclose that the routing device is a switch (see Cioli column 6, lines 16-33).

12. Claims 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Cioli as applied to claim 1 above, and further in view of Meggyesi ("Fiber Channel Overview").

As per claim 13, although the system disclosed by Wesinger in view of Cioli shows substantial features of the claimed invention (discussed above), it fails to disclose that the switch is Fibre Channel compatible.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger in view of Cioli, as evidenced by Meggyesi.

In an analogous art, Meggyesi discloses that it would have been obvious to one skilled in the art to make the switch Fibre Channel compatible (see page 1, Introduction).

Given the teaching of Meggyesi, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger in view of Cioli by employing a Fibre Channel compatible switch, such as disclosed by Meggyesi, in order to transfer data at high speeds between workstations.

As per claim 15, using the same motivation to combine as above, Wesinger in view of Meggyesi further disclose that the switch is an interconnect fabric module (see Meggyesi page 2, paragraph 2).

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger in view of Cioli as applied to claim 1 above, and further in view of whatis.com (InfiniBand definition).

Although the system disclosed by Wesinger in view of Cioli shows substantial features of the claimed invention (discussed above), it fails to disclose that the switch is InfiniBand compatible.

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Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger in view of Cioli, as evidenced by whatis.com.

In an analogous art, whatis.com discloses the benefits of InfiniBand in data networks (see page 1, paragraph 1).

Given the teaching of whatis.com, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger in view of Cioli by employing an InfiniBand compatible switch, such as disclosed by whatis.com, in order to achieve increased reliability and better sharing of data.

14. Claims 27,29,44,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger as applied to claim 1 above, and further in view of Meggyesi ("Fiber Channel Overview").

As per claims 27 and 44, although the system disclosed by Wesinger shows substantial features of the claimed invention (discussed above), it fails to disclose that the routing device is Fibre Channel compatible.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger, as evidenced by Meggyesi.

In an analogous art, Meggyesi discloses that it would have been obvious to one skilled in the art to make the routing device Fibre Channel compatible (see page 1, Introduction).

Given the teaching of Meggyesi, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger by employing a Fibre Channel compatible routing device, such as disclosed by Meggyesi, in order to transfer data at high speeds between workstations.

As per claims 29 and 46, using the same motivation to combine as above, Wesinger in view of Meggyesi further disclose that the routing device is an interconnect fabric module (see Meggyesi page 2, paragraph 2).

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15. Claims 28 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wesinger as applied to claims 16 and 31 above, and further in view of whatis.com (InfiniBand definition).

Although the system disclosed by Wesinger shows substantial features of the claimed invention (discussed above), it fails to disclose that the switch is InfiniBand compatible.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Wesinger, as evidenced by whatis.com.

In an analogous art, whatis.com discloses the benefits of InfiniBand in data networks (see page 1, paragraph 1).


Given the teaching of whatis.com, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Wesinger by employing an InfiniBand compatible switch, such as disclosed by whatis.com, in order to achieve increased reliability and better sharing of data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GLENN B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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Philip J Chea
Examiner
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PJC 4/1/05